Factors that contribute to the establishment of marine protected areas in Western Australia

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Factors that Contribute to the Establishment of Marine Protected Areas in Western Australia

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Thesis submitted in partial fulfilment of the requirements for the award of the degree of Doctor of Natural Resource Management

May 2014
DECLARATION

I declare that this thesis is my own work and has not been submitted in any form for another degree or diploma at any University or other institute of tertiary education. Information derived from published and unpublished work of others has been acknowledged in the text with references provided for that material.

....................  ......................
Andrew Hill       Date
Abstract

Five Marine Protected Area (MPA) establishment processes undertaken between 1998 and 2012 in Western Australia were reviewed using a case study approach to identify factors affecting establishment. While three MPAs were legally created, two were not, despite significant investment in planning, research and public participation. Processes were generally influenced by complex local and strategic planning issues that were significant barriers to legal establishment.

Planning and public participation processes were generally successful at addressing local concerns, deriving consensus and building ownership but ineffectual at addressing key strategic issues. MPA establishment was primarily influenced by the social, economic and political influences rather than the planning approach and public participation process employed. MPA establishment has readily identifiable and quantifiable short- to medium-term costs that dominate state politics and government decision-making, but the benefits are long-term, subject to debate and difficult to quantify.

The absence of government leadership, and effective cross-jurisdictional strategic marine planning and policy at state and regional levels was a key impediment to establishment, and in many cases the MPA establishment process became a de facto marine spatial planning exercise being forced to address strategic tenure and marine use planning matters to facilitate legal establishment. However, the public participation process and mechanisms were not well structured for this purpose and largely outside the remit of the conservation agency.

Creating an MPA that meets its defined long-term objectives at the establishment stage may be unrealistic. In practice, achieving an MPA that meets defined success criteria should realistically be viewed as a multi-decadal objective. Forcing robust conservation outcomes that have significant social impacts is a high risk strategy that can trigger community and political opposition to MPA creation and be detrimental to the long-term goal of a comprehensive MPA network supported by the community.

Taking advantage of political ‘windows of opportunity’ to establish ‘imperfect’ MPAs and then improving the management framework over time is less costly, lower risk, and a more realistic long-term strategy to establishing MPA networks, particularly in areas with high socio-economic values. However, this approach is
predicated on there being appropriate legislative frameworks and government commitment to continual improvement.

Greater government policy leadership and a more strategic approach with broad-based marine spatial planning ahead of MPA establishment is recommended to address the key impediments to MPA establishment, particularly in areas with high social and economic values. This should make public participation processes more efficient and contribute to faster MPA establishment with less stakeholder and community opposition.
Acknowledgements

I wish to acknowledge the support of the Department of Conservation and Land Management (now the Department of Parks and Wildlife) in providing financial support through the Seamus Mulholland Leadership Scholarship. Seamus and I met in 1982 and in 1983 drove to Canberra to attend the Australian National University. On completing our degrees we returned to Western Australia and commenced our careers in natural resource management. In the process we became close friends and his passing was a tragic loss of a person of great character, talent and intellect. I would like to dedicate this thesis to his memory.

I would like to thank my two supervisors, Professor Syd Shea (Notre Dame University) and Dr Chris Simpson (Department of Environment and Conservation). Their enthusiasm for this project and their ongoing support was instrumental and is duly acknowledged. Dr Julian Clifton (UWA) provided valuable support in implementation of stakeholder interviews and finalising this thesis. Thanks also to the support of the Notre Dame Research Office, in particular Dr Marc Fellman and Lorraine Mayhew, who provided valuable advice on enrolment, research and administrative support.

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Author’s Preface

The author led and coordinated MPA planning and establishment processes in Western Australia between 1998 and 2005 for the state government agency responsible for MPA creation and management (the Department of Conservation and Land Management). This involved attendance at MPA public participation and planning forums, committees, briefings and discussions at the Marine Parks and Reserves Authority, agency and ministerial briefings, development of management plans and legislative documents, as well as the review and input into state-wide MPA policy. In 2005 he moved to the Department of Fisheries, which included responsibilities for MPA issues and planning processes. He was also responsible for coordinating the management planning of the Shark Bay Marine Park and early negotiations on MPA proposals for the Abrolhos Islands between 1990 and 1995.

The author has, therefore, been deeply immersed in the MPA processes covered by this research and has had an in-depth involvement with the stakeholders, processes and participants and has observed first-hand the effectiveness of different approaches to MPA planning and public participation. This involvement provided a thorough background to the case studies reviewed, and experience in the issues considered in this research, essentially as a ‘participant-observer’. However, this also means that this research is not entirely independent and the author has opinions and ideas that have evolved over time during the practical application and trial and error of undertaking MPA processes. While this potential personal bias should be acknowledged, this experience of complex real-life situations has contributed to research conclusions that are well founded, and outcomes that are useful in a ‘real world’ sense and reflect the complexity of implementing MPA policy in difficult and unpredictable social and political environments.
Glossary

For ease of reading please refer to the following notes:

• ‘Conservation agency’ is used as a generic term to refer to the Western Australian State Government agency responsible for administration of the Conservation and Land Management Act 1984. This was the Department of Conservation and Land Management between 1984 and 2006, after which the agency changed to the Department of Environment and Conservation.

• ‘Fisheries agency’ is used as a generic term to refer to the Western Australian State Government agency responsible for administration of the Fish Resources Management Act 1994 and the Pearling Act 1990. This is the Department of Fisheries (formerly known as Fisheries WA).

• ‘Government’ is used throughout this thesis as a generic term referring to the Western Australian State Government, and relevant state ministers with statutory roles in MPA establishment.

• ‘Government approvals’ is a generic term to refer to statutory requirements and non-statutory processes used by government ministers in approval of WA MPA proposals for public comment and for legislative creation of MPAs.

• ‘Marine Authority’ refers to the Marine Parks and Reserves Authority, the statutory vesting authority for marine conservation reserves in Western Australia.

• MPAs or ‘Marine Protected Areas’ is a generic term used to refer to the three types of marine conservation reserve that can be created under the Conservation and Land Management Act 1984.

• ‘MPA outcomes’ is used in this thesis to generically describe the actual results of MPA planning and consultative processes; i.e., the approved legal boundaries, type, management zoning and associated plans.

• ‘MPA processes’ is used in this thesis to generically describe the state government public participation and legal processes to create MPAs.

• ‘No-take zone’ refers to sanctuary zones within marine parks established under the State Conservation and Land Management Act 1984 where no extractive activities
are permitted (i.e., equivalent to the International Union for Conservation of Nature Category IA).
Acronyms

- CALM Act: Conservation and Land Management Act 1984
- CAR: Comprehensive, Adequate and Representative
- EPA Act: Environmental Protection Act 1986
- FRM Act: Fish Resources Management Act 1994
- GBRMP: Great Barrier Reef Marine Park
- GIS: Geographic Information System
- IMCRA: The Integrated Marine and Coastal Regionalisation of Australia
- IMP: Indicative Management Plan
- MLPA: Marine Life Protection Act
- MMA: Marine Management Area
- MPRSWGR: The Marine Parks and Reserves Selection Working Group Report
- MSP: Marine Spatial Planning
- NGO: Non-Government Organisation
- NOI: Notice of Intent
- SRG: Sector Reference Groups